

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

RICKY FRANK MCVICKERS, #1613481 §
VS. § CIVIL ACTION NO. 6:13cv525
DIRECTOR, TDCJ-CID §

ORDER OF DISMISSAL

The above-styled and numbered civil action was heretofore referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus concerning a prison disciplinary proceeding should be denied. The Petitioner has filed a response (docket entry #12), which is construed as objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Petitioner to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Petitioner are without merit. It is specifically noted that the Petitioner acknowledged that he did not lose any good time, thus the punishment he received did not involve a constitutionally protected liberty interest as required in order to obtain federal habeas corpus relief. *See Malchi v. Thaler*, 211 F.3d 953, 957-58 (5th Cir. 2000); *Odneal v. Hinojosa*, 357 F. App'x 598, 599 (5th Cir. 2009). Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Report and Recommendation (docket entry #10) is **ADOPTED**. It is further

ORDERED that the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. It is further

ORDERED that the Petitioner's request to have his grievance records returned is **GRANTED** and the Clerk of Court shall provide the Petitioner with a copy of his grievance records that were attached to his petition (docket entry #1). It is finally

ORDERED that all motions not previously ruled on are hereby **DENIED**.

It is SO ORDERED.

SIGNED this 3rd day of October, 2013.



Michael H. Schneider
MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE